

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KOHEN DIALLO E. UHURU,
Plaintiff,
v.
J. BENAVIDEZ, et al.,
Defendants.

No. 2:22-CV-0784-TLN-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion, ECF No. 15, for leave to file a first amended complaint to include additional allegations and exhibits.

The Federal Rules of Civil Procedure provide that a party may amend his or her pleading once as a matter of course within 21 days of serving the pleading or, if the pleading is one to which a responsive pleading is required, within 21 days after service of the responsive pleading, see Fed. R. Civ. P. 15(a)(1)(A), or within 21 days after service of a motion under Rule 12(b), (e), or (f) of the rules, whichever time is earlier, see Fed. R. Civ. P. 15(a)(1)(B). Here, Plaintiff seeks leave to amend a pleading to which a response is required. Because no response or motion under Rule 12 has been filed, leave of court is not necessary and Plaintiff may amend as of right. Plaintiff will be provided an opportunity to do so. Plaintiff is cautioned, however, that the action will proceed on the original complaint if no first amended complaint is filed within the

1 time permitted therefor.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Plaintiff's motion for leave to amend, ECF No. 15, is denied as
4 unnecessary;

5 2. Plaintiff may file a first amended complaint within 30 days of the date of
6 this order; and

7 3. If no amended complaint is filed, the action will proceed on the original
8 complaint.

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10 Dated: September 12, 2022



11 DENNIS M. COTA
12 UNITED STATES MAGISTRATE JUDGE
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